

ENTERED

August 17, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:21-CV-005
	§	
8.666 ACRES OF LAND, MORE OR	§	
LESS, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER DETERMINING TITLE AS TO TRACT RGV-RGC-1027

Now before the Court is the dispute as to who holds title to Tract RGV-RGC-1027 (“subject property”). After considering the Government’s briefing (Dkt. No. 20) and the applicable law, the Court is of the opinion that title is held by three minor children. D.L., K.L., and D.L., who are under the care of Raul Lozano, Jr.


Federal courts overseeing condemnation cases have the authority to determine who holds title amongst parties before a land’s condemnation. *Florida Beaches v. Niagara Inv. Co.*, 148 F.2d 963, 964 (5th Cir. 1945); *United States v. 22,680 Acres of Land*, 438 F.2d 75, 77 (5th Cir. 1971); *Clark v. White*, 185 F.2d 528, 530 (5th Cir. 1950). Federal courts look to the substantive law of the state in which the subject property is located to resolve a title dispute. *See United States ex. Rel. T.V.A. v. Powelson*, 319 U.S. 266, 279 (1943). When there are multiple parties claiming ownership of the land, it is on the party to show their claim to the land. *United States v. Lee*, 360 F.2d 449, 452 (5th Cir. 1966).

On July 28, 2021, the United States (“the Government”) filed an amicus brief regarding the ownership of the subject property. Dkt. No. 24. The Government indicates that through a number of conveyances, title to half of the Subject Property was held by Isabel Gonzalez and the

other half was held by three minor children, D.L., K.L., and D.L. at the time of the taking. Isabel Gonzalez disclaimed her interest in the subject property and was dismissed from the case. Dkt. No. 17. As a result, the three minor children are the only parties before the Court claiming an interest in the subject property.

Accordingly, for the purposes of this condemnation proceeding only, the Court **FINDS** the ownership of Tract RGV-RGC-1027 to be held by three minor children. D.L., K.L., and D.L., who are under the care of Raul Lozano, Jr.

SO ORDERED this 17th day of August, 2021, at McAllen, Texas.



Randy Crane
United States District Judge